

MILITARY SERVICE

*Exchange of notes at Washington January 23, April 28, and May 24,
1943*

Entered into force April 30, 1943

*Terminated March 31, 1947*¹

57 Stat. 994; Executive Agreement Series 327

The Secretary of State to the Brazilian Ambassador

DEPARTMENT OF STATE
WASHINGTON

January 23, 1943

EXCELLENCY:

I have the honor to refer to conversations which have taken place between officers of the Brazilian Embassy and of the Department of State with respect to the application of the United States Selective Training and Service Act of 1940, as amended,² to Brazilian nationals residing in the United States.

As you are aware, the Act provides that with certain exceptions every male citizen of the United States and every other male person residing in the United States between the ages of eighteen and sixty-five shall register. The Act further provides that, with certain exceptions, registrants within specified age limits are liable for active military service in the United States armed forces.

This Government recognizes that from the standpoint of morale of the individuals concerned and the over-all military effort of the countries at war with the Axis Powers, it would be desirable to permit certain nationals of cobelligerent countries who have registered or who may register under the Selective Training and Service Act of 1940, as amended, to enlist in the armed forces of their own country, should they desire to do so. It will be recalled that during the World War this Government signed conventions with certain associated powers on this subject. The United States Government believes, however, that under existing circumstances the same ends may now be accomplished through administrative action, thus obviating the delays incident to the signing and ratification of conventions.

¹ Upon termination of functions of U.S. Selective Service System (60 Stat. 341).

² 54 Stat. 885; 55 Stat. 621.

This Government is prepared, therefore, to initiate a procedure which will permit aliens who have registered under the Selective Training and Service Act of 1940, as amended, who are nationals of cobelligerent countries and who have not declared their intention of becoming American citizens to elect to serve in the forces of their respective countries, in lieu of service in the armed forces of the United States, at any time prior to their induction into the armed forces of this country. This Government is also prepared to afford to nationals of cobelligerent countries who have not declared their intention of becoming American citizens who may already be serving in the armed forces of the United States an opportunity of electing to transfer to the armed forces of their own country. The details of the arrangement are to be worked out directly between the War Department and the Selective Service System on the part of the United States Government and the appropriate authorities of the Brazilian Government. It should be understood, however, that in all cases a person exercising an option under the arrangement must actually be accepted by the military authorities of the country of his allegiance before his departure from the United States.

Before the above-mentioned procedure will be made effective with respect to a cobelligerent country, this Department wishes to receive from the diplomatic representative in Washington of that country a note stating that his government desires to avail itself of the procedure and in so doing agrees that:

(a) No threat or compulsion of any nature will be exercised by his government to induce any person in the United States to enlist in the forces of his or any foreign government;

(b) Reciprocal treatment will be granted to American citizens by his government; that is, prior to induction in the armed forces of his government they will be granted the opportunity of electing to serve in the armed forces of the United States in substantially the same manner as outlined above. Furthermore, his government shall agree to inform all American citizens serving in its armed forces or former American citizens who may have lost their citizenship as a result of having taken an oath of allegiance on enlistment in such armed forces and who are now serving in those forces that they may transfer to the armed forces of the United States provided they desire to do so and provided they are acceptable to the armed forces of the United States. The arrangements for effecting such transfers are to be worked out by the appropriate representatives of the armed forces of the respective governments;

(c) No enlistments will be accepted in the United States by his government of American citizens subject to registration or of aliens of any nationality who have declared their intention of becoming American citizens and are subject to registration.

This Government is prepared to make the proposed regime effective immediately with respect to Brazil upon the receipt from you of a note stating

that your Government desires to participate in it and agrees to the stipulations set forth in lettered paragraphs (a), (b), and (c) above.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:

G. HOWLAND SHAW

His Excellency

CARLOS MARTINS

Ambassador of Brazil

The Brazilian Ambassador to the Secretary of State

[TRANSLATION]

EMBASSY OF THE
UNITED STATES OF BRAZIL

WASHINGTON, April 28, 1943

No. 152/622.23 (22)

MR. SECRETARY OF STATE:

I have the honor to acknowledge the receipt of the note of the 23rd day of January last whereby Your Excellency states that the Government of the United States of America is disposed to initiate a proceeding in favor of foreigners registered by virtue of the Selective Service Act of 1940 who are citizens of cobelligerent countries and who have not declared an intention of becoming naturalized Americans, for the exercise of the option of serving in the armed forces of their respective countries or of being transferred to them.

2. In reply, I have to state to Your Excellency that I have received instructions from my Government in the sense of accepting that there should be effected, between Brazil and the United States of America, and on the basis of reciprocity, the proceeding referred to above and to communicate that my Government gives the guarantees stipulated in paragraphs (a), (b), and (c) of the said note of January 23, 1943 with the following reservations:

1) The Brazilian Government understands that the accord must be considered as reciprocal under all aspects and that the guarantees requested of the Brazilian Government in the said note are given, by implication, by the Government of the United States also, and

2) The Brazilian Government cannot assume the task of informing all the American citizens in service in its armed forces, or American citizens who may by chance have lost their citizenship in consequence of having taken an oath in the Brazilian forces and who are at present serving in those armed forces, that they can be transferred to the armed forces of the United States if they should so desire and if they be accepted by the armed forces of the United States. In like manner, no notification shall be required with relation

to the Brazilian citizens who may by chance be serving in the armed forces of the United States or who may be subject to military service under the laws of the United States.

3. The Brazilian Government hopes, however, that the Brazilian citizens already incorporated in or summoned to the army of the United States may be able to exercise, by virtue of this agreement, the option to serve in the armed forces of Brazil.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest consideration.

CARLOS MARTINS PEREIRA E SOUSA

His Excellency CORDELL HULL
*Secretary of State of the
United States of America*

The Secretary of State to the Brazilian Ambassador

DEPARTMENT OF STATE
WASHINGTON
May 24, 1943

EXCELLENCY:

I have the honor to acknowledge the receipt of your note no. 152/622.23 (22) of April 28, 1943 in which you state that you have received instructions from your Government in the sense of accepting that there should be effected between Brazil and the United States of America, and on the basis of reciprocity, the proceeding suggested in the Department's note of January 23, 1943; you state that your Government gives the guarantees stipulated in paragraphs (a), (b) and (c) of the Department's note of January 23, 1943 with the following reservations:

1) The Brazilian Government understands that the accord must be considered as reciprocal under all aspects and that the guarantees requested of the Brazilian Government in the said note are given, by implication, by the Government of the United States also, and

2) The Brazilian Government cannot assume the task of informing all the American citizens in service in its armed forces, or American citizens who may by chance have lost their citizenship in consequence of having taken an oath in the Brazilian forces and who are at present serving in those armed forces, that they can be transferred to the armed forces of the United States if they should so desire and if they be accepted by the armed forces of the United States.

I take pleasure in informing you that your reply meets with the approval of this Government, and that this Government now considers the agreement

with Brazil as having become effective on April 30, 1943, the date on which your note of acknowledgment was received in the Department. The appropriate authorities of the United States Government have been informed accordingly, and I may assure you that this Government will carry out the agreement in the spirit of full cooperation with your Government.

It is suggested that all the details incident to carrying out this agreement be discussed directly by officers of the Embassy with the appropriate officers of the Selective Service System and of the War Department. Lieutenant Colonel S. G. Parker, of the Selective Service System, and Lieutenant Colonel V. L. Sailor, of the Recruiting and Induction Section, Adjutant General's Office, will be available to discuss questions relating to the exercise of the option prior to induction. The Inter Allied Personnel Board of the War Department, which is headed by Major General Guy V. Henry, is the agency with which questions relating to the discharge of nondeclarant nationals of Brazil who may have been serving in the Army of the United States on the effective date of the agreement, and who desire to transfer to the Brazilian forces, may be discussed.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:

G. HOWLAND SHAW

His Excellency

CARLOS MARTINS

Ambassador of Brazil